S.B.CRIMINAL MISC. BAIL APPLICATION NO.5846/2006

Date : 02.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Pradeep Shah for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel is that the applicants were only attesting witnesses of will whereas all beneficiaries were granted anticipatory bail by the learned Sessions Judge, Udaipur. In view of above, his submission is that case of the applicants is on better footing, therefore, they are entitled to be treated in the same manner as others have been dealt in the present case.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that since the applicants being attesting witnesses, their bail application is

required to be rejected. He submits that other accused persons were given benefit of anticipatory bail for the reason that their presence at Pratapgarh was doubtful.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration overall facts and circumstances of the present case and the fact that main accused persons have already been granted anticipatory bail by the learned Sessions Judge, therefore, I deem it proper to extend benefit of anticipatory bail to the attesting witnesses who were not the beneficiaries in the present case. Accordingly, it is directed that in the event of arrest of applicants (1) Rameshwar Lal s/o Shankar Lal and (2) Sevanti Lal s/o Mangi Lal by I.O./S.H.O. in FIR No.270/2005 P.S. Bhupalpura, Udaipur, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating

Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

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